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10/716,308

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Fumitaka Yoshikawa

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12/10/2009

Saul Ewing LLP (Philadelphia)

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EXAMINER

JIANG, YONG HANG

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

12/10/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                            |  |
|------------------------------|--------------------------------------|--------------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/716,308 | <b>Applicant(s)</b><br>YOSHIKAWA, FUMITAKA |  |
|                              | <b>Examiner</b><br>YONG HANG JIANG   | <b>Art Unit</b><br>2612                    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,4,7-11 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,7-11 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                     |                                                                   |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                         | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

Applicant's amendment filed 9/1/2009 has been entered. Claims 1 and 11 are amended. Claims 2-3, 5-6, 12-13 are cancelled. Claims 1, 4, 7-11, and 14 are pending.

### *Response to Arguments*

Applicant's arguments filed 9/1/2009 have been fully considered but they are not persuasive.

Applicant argues on the last paragraph of page 8 that Johansson discloses that a master always polls a slave regardless of the mode of the slave and the slave answers a poll from the master. The examiner respectfully disagrees. Johansson specifically discloses a "standby" mode, a standby mode is entered when a Bluetooth device is not logically connected (via bluetooth technology) to any other Bluetooth device, i.e., is not part of any piconet (see paragraph 51). If the slave Bluetooth device is not logically connected to any other Bluetooth device, that means no matter how the master Bluetooth device is polling a slave, the slave do not answer back as the slave is not connected to the master.

Paragraph 52 of Johansson discloses the master always knows when it can poll a slave, regardless of which mode the link to the slave is in **when only intra-piconet communications are considered**. When a Bluetooth device is in a "standby" mode, it is no longer connected to a piconet; therefore, the Bluetooth device is not in any intra-piconet communication.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 4, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Johansson et al. (US 2003/0076842).

Regarding claims 1 and 11, Johansson discloses a communication system comprising:

a portable device provided with a communication function (via PDA with Bluetooth technology, See paragraph 6);

a communication controller which automatically performs wireless communication with the portable device and controls a predetermined driver in accordance with whether wireless communication with the portable device is established (via controller on printer with Bluetooth technology to enable communication with a PDA and running the printer, paragraph 6);

a selection device which selects one of a disablement mode (via input device on PDA to select standby mode, See paragraph 51), which disables automatic communication of the portable device with respect to the communication controller, and a communication mode (via input device on PDA to select active mode to enable

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Bluetooth communication, paragraph 51), which enables automatic communication of the portable device;

a determination unit which recognizes which one of the disablement mode and the communication mode the portable device is in to determine whether to enable or disable automatic communication with respect to the portable device in accordance with the recognition (via controller on printer to determine whether or not the PDA is enabled or disabled for wireless communication by polling for signals, paragraph 6), wherein the communication controller stops outputting a signal when the determination unit determines that the portable device is in the disablement mode (via controller on printer recognizes the PDA is in "standby" mode and is no longer connected and stops sending signals to the PDA, See Paragraph 51); and

a recognition information providing device which provides the determination unit with recognition information used to recognize which one of the disablement mode and the communication mode the portable device is in, in accordance with the selection by the selection device (via controller on PDA to activate the standby mode or the active mode, paragraphs 6 and 51); and

an instruction device issues an instruction which instructs the portable device to issue a signal causing the communication controller to operate the predetermined driver when the portable device is in the disablement mode (via controller on PDA signaling standby mode, paragraph 51),

wherein the portable device includes the selection device and the recognition information providing device,

wherein the portable device includes a receiving circuit which receives a signal from the communication controller (via Bluetooth communication circuit on PDA, paragraph 6), the portable device inactivating the receiving circuit when the portable device is in the disablement mode,

wherein the recognition information includes one of a communication mode signal, which indicates the communication mode (via active mode, paragraph 51), and a disablement mode signal, which indicates the disablement mode (via standby mode, paragraph 51), and

wherein the portable device transmits the signal to the communication controller by wireless communication based on the instruction from the instruction device without shifting from the disablement mode to the communication mode (via PDA signaling change from standby mode to active mode, paragraph 51), and

wherein the portable device includes a transmitting circuit which transmits a signal to the communication controller (via radio transceivers on PDA to enable wireless communication, paragraph 5), the portable device inactivating the transmitting circuit when the portable device is in the disablement mode and activating the transmitting circuit in response to the instruction from the instruction device in the disablement mode (via active mode and standby mode, paragraph 51) (See paragraphs 3-8 and 50-51).

Regarding claim 4, Johansson discloses at least one other portable device (laptop with Bluetooth technology, paragraph 6), and the determination unit disabling automatic communication with respect to each portable device when all of the portable

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devices are in the disablement (via all portable devices with Bluetooth technology are disabled and wireless communication is ceased, paragraph 5-6).

2. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johansson as applied to claims 1 and 11 above, and further in view of Ciotta (US 6,856,804).

Regarding claims 7 and 14, Johansson did not specifically disclose the portable device includes a notification device which generates a notice that the portable device is in the disablement mode and which generates a notice that the portable device has shifted from the disablement mode to the communication mode.

Ciotta teaches a portable device that generates a notice when the portable device is in the disablement mode (when powered off, mobile station 10 send a signal indicating that the particular mobile station is off) and which generates a second notice when the portable device has shifted from the disablement mode to the communication mode (when the mobile station 10 is turned on a signal is sent to base station 20). (See Col. 8, lines 11-13, and lines 24-25)

From the teachings of Ciotta, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable device disclosed by Johansson to include disclose the portable device includes a notification device which generates a notice that the portable device is in the disablement mode and which generates a notice that the portable device has shifted from the disablement mode to the communication mode as taught by Ciotta to let other communication devices know when the portable device is available for communication.

3. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johansson as applied to claim 1 above, and further in view of Hara (US 2002/0025823).

Regarding claims 8-10, Johansson discloses the structural elements of the claimed invention but did not specifically disclose the predetermined driver is a door lock driver, which locks and unlocks a door of a vehicle or house.

Hara teaches a smart entry system, this system includes a portable device and a stationary device (stationary device mounted on a vehicle), when mutual communication between the portable device and the stationary device is automatically established (authentication codes are verified between the two devices by wireless communication), predetermined operations such as locking or unlocking of a door is automatically realized. (See page 1, paragraphs 3 and 5)

From the teachings of Hara, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the system of Johansson to include a predetermined driver such as a door lock or unlock driver on a vehicle or a house to utilize the automatic verification between a portable device and a communication controller to avoid bothersome operations by a user, thereby increasing the convenience of a user.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the



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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YONG HANG JIANG whose telephone number is (571)270-3024. The examiner can normally be reached on M-F 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian A. Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. J./

Examiner, Art Unit 2612

/Brian A Zimmerman/

Supervisory Patent Examiner, Art Unit 2612